

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER, )  
Plaintiff, )  
v. ) C.A. No. 05-084-JJF  
Warden THOMAS CARROLL, C/O )  
BAMBI THOMAS, C/O JAMES )  
GARDELS, C/O THOMAS SEACORD )  
Defendants. )

**AFFIDAVIT OF BRIAN ENGREM**

I, Brian Engrem, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a paralegal. I have been employed by the Department of Correction for four years. My duties include providing legal materials to inmates as requested, who are housed in the Security Housing Unit ("SHU"). The information provided to inmates is accessed through Westlaw or from existing files of the SHU Law Library. I have held this position since April 1, 2001.

2. In response to a request from the State of Delaware Department of Justice, I have obtained documentation relating to the frequency of inmate Monty Pepper's law library usage, the number of uses of the prison's notary, and the frequency and volume of copied pages of legal material provided to Mr. Pepper by the Delaware Correctional Center.

3. While in SHU, inmates are not allowed to go to the law library. They must request law library services. A log is kept of all the law library services requested by inmates in the SHU.

The requests are filled, and the items are sent to the inmate, usually within seven days of the request. On the log, "Date In" means the date the inmate's request was received by the library, and "Date Out" means the date the requested items were sent to the inmate.

4. After Inmate Pepper transferred to the SHU on September 18, 2004, he did not contact the SHU Law Library for any legal services until November 29, 2004. (See Law Library Log attached as Exhibit "E").

5. While in SHU, inmate Pepper received the services of the law library seventy seven times. Copies of case law were made for him as requested. The copy count on the log does not include copies of case law and court rules that were made for Inmate Pepper. The average turn around time for Inmate Pepper's requests was three to five days. (Exhibit E).

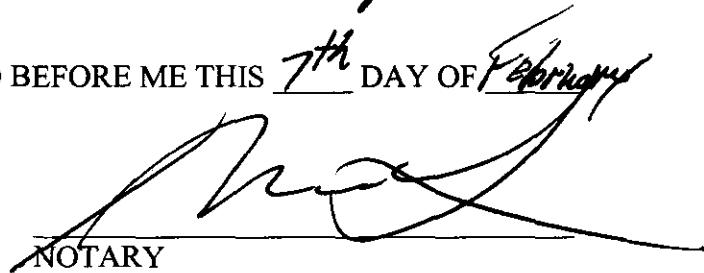
6. Paralegals who are employees of the Department of Correction do not provide legal advice, as this is considered practicing law without a license.

7. Since leaving the SHU, Mr. Pepper continues to have access to the above-listed legal resources in the Main Law Library at DCC.

8. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.

  
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Brian Engrem

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7<sup>th</sup> DAY OF February  
2006.

  
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NOTARY